

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

BOYD FULTON,  
Plaintiff  
MEL

v.

TOWN OF HULL, MASSACHUSETTS,  
Defendant

Civil Action No.2004 CV 11234

**AFFIDAVIT OF HARVEY SHAPIRO**

I, Harvey Shapiro, hereby swear under penalty of perjury that the following statements are true, accurate and complete, and known to me personally unless otherwise indicated to be known to me only on information and belief:

1. I was counsel for the Plaintiff in *Mogilevsky v. Bally Total Fitness Corp.*, 311 F. Supp. 2d 212 (D. Mass. 2004).
2. In *Mogilevsky*, the Plaintiff presented Fair Labor Standards Act claims and related state claims.
3. The Plaintiff, as of the time of his mediation with the Magistrate Judge, presented claims valued by him at over \$110,000 in damages exclusive of fees on the FLSA and related state claims and, ultimately, recovered under \$5,000.
4. The Plaintiff also presented, in a separate action, companion discrimination and FMLA claims. As of the time of his mediation with the Magistrate Judge, Plaintiff presented claims valued by him in his discovery responses, at \$599,668 exclusive of fees, and settled for \$70,000.

Signed,

*s/Harvey Shapiro*

Harvey Shapiro

Dated: May 29, 2007